

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION

UNITED STATES OF AMERICA,

Docket: 1:21-CR-32

v.

(JAMES) CASEY LEE EVANS,
Defendant.

**MOTION FOR
PRESENTENCE RELEASE**

COMES NOW, Defendant, James Casey Lee Evans, by and through undersigned counsel, and asks the Court to grant presentence release pursuant to 18 U.S.C. § 3143(a). In support of this motion, Mr. Evans shows the court as follows:

1. Mr. Evans was indicted on or about April 6, 2021 on one count of setting timber on fire on lands owned by the United States in violation of 18 U.S.C. § 1855. The indictment was superseded on December 7, 2021 but the charged offense was unchanged.
2. Mr. Evans was found guilty by a jury on January 6, 2022.
3. 18 U.S.C. § 3143 (a) allows the Court, in its discretion, to order release of a defendant pending the imposition of sentence if it finds by clear and convincing evidence that the person is not likely to flee or pose a danger to the safety of any other person or community.
4. Mr. Evans acknowledged his responsibility for starting the fire in question immediately and consistently to law enforcement officials as early as the day of the fire, April 3, 2020.
5. Mr. Evans continued to reside at his home at 1100 Cals Cove Road from the day of the fire until he was arrested on April 24, 2021, over a year after the fire was extinguished.
6. At no time during the intervening year did Mr. Evans attempt to flee or relocate out of the community.

7. At no time during the intervening year did Mr. Evans engage in other activity that was unlawful or dangerous to the community.
8. Resident at 1100 Cals Cove Road also are his mother, Darlene Hopkins, his invalid brother Jesse, his son Gage Evans, and (at the time of his arrest) his son Tyler Evans and daughter Sarah Evans. To the extent the Court may require supervision of Mr. Evans, these individuals are able to fulfill this role.
9. The absence of Mr. Evans from the family home has worked a severe hardship on the family. Mr. Evans kept up the property and the steep, rocky access road. He maintained the area around the house, cleaning up fallen branches and leaves, and maintaining generators and other equipment used by the household. Ms. Hopkins has stated that she is unable to maintain the property and it is falling into disrepair without Mr. Evans' assistance.
10. Therefore, Mr. Evans asks the Court to grant him release pending his sentencing.

WHEREFORE, the defendant respectfully requests that the court set a hearing and grant him release pending his sentencing for the instant offense.

Respectfully submitted, this the 6th day of January 2022.

GILLETTE LAW FIRM, PLLC

/s/ Jeffrey William Gillette

Jeffrey William Gillette

CJA Counsel for the Defendant

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CERTIFICATE OF SERVICE

I hereby certify that, on this day, I served a copy of this Motion for Presentence Release on the following individual(s) via ECF.

Alexis I. Solheim, David Thorneloe, Assistant United States Attorneys

This, the 6th day of January 2022.

GILLETTE LAW FIRM, PLLC

/s/ Jeffrey William Gillette

Jeffrey William Gillette

CJA Counsel for the Defendant

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